

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- - JUNE 21, 2011- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:06 p.m.

ROLL CALL - Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore –5.

Absent: None.

AGENDA CHANGES

(11-305) Mayor Gilmore announced that the City Manager Communication on the Animal Shelter Update [paragraph no. 11-331] would be addressed under the Resolution [paragraph no. 11-337] on the 7:01 p.m. meeting.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-306) Mayor Gilmore welcomed the new City Manager.

(11-307) Proclamation Declaring June 23, 2011 as Alameda Alliance for Health Day.

Mayor read and presented the Proclamation to Ingrid Lamirault, Alameda Alliance for Health.

ORAL COMMUNICATIONS, NON-AGENDA

(11-308) Michael John Torrey, Alameda, invited everyone to the American Relay League event this weekend.

(11-309) Kurt Peterson, Alameda, discussed his concern with the budget and requested that the International Association of Fire Fighter resolution [paragraph no. 11-325] be postponed.

(11-310) Richard Neveln, Oakland, stated public safety personnel involved in the Crown Memorial Beach drowning should be placed on administrative leave.

(11-311) Adam Gillitt, Alameda, discussed the Crown Memorial Beach drowning.

CONSENT CALENDAR

Mayor Gilmore announced that Item the Resolution Approving Revised Memorandum of Understanding [paragraph no. 11-325] was removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.
[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*11-312) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority and Community Improvement Commission Meetings held on May 31, 2011; and the Special Joint City Council and Public Utilities Board Meeting and Regular City Council Meeting held on June 7, 2011. Approved.

(*11-313) Ratified bills in the amount of \$1,814,276.64.

(*11-314) Recommendation to Authorize the City Manager to Execute a Joint Use/Operating Agreement with the Alameda Unified School District for the Operation of the District Swimming Pools. Accepted.

(*11-315) Recommendation to Award Contract for Legal Advertising for Fiscal Year 2011-12. Accepted.

(*11-316) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Ferry Repair and Resurfacing of the Main Street Ferry Terminal Parking Lot, No. P. W. 05-11-14. Accepted.

(*11-317) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Cyclic Sewer Replacement Project, Phase 9, No. P.W. 03-11-05. Accepted.

(*11-318) Recommendation to Accept the Work of Weber Tractor Service for the Repair of Portland Cement Concrete Sidewalk Curb, Gutter, Driveway, and Minor Street Patching, Fiscal Year 2010-2011, Phase 11, No. P.W. 06-10-14. Accepted.

(*11-319) Recommendation to Adopt a First Amendment to Agreement to Harbor Bay Business Park Association for the Landscape Maintenance Management Contract for the City of Alameda Island City Landscaping and Lighting District 84-2, Zone 5 – Harbor Bay Business Park. Accepted.

(*11-320) Recommendation to Reject the Bid, Adopt Revised Plans and Specifications and Authorize a New Call for Bids for Park Street Streetscape, Lincoln Avenue to Webb Avenue, and Central Avenue to San Jose Avenue, No. P.W. 10-09-30. Accepted.

(*11-321) Recommendation to Approve a Third Amendment to Agreement for MV Transportation, Inc. to Operate the City of Alameda Paratransit Shuttle Service. Accepted.

(*11-322) Recommendation to Approve a Fourth Amendment to Agreement for Welcome Transport Group to Provide Paratransit Taxi Services. Accepted.

(*11-323) Recommendation to Authorize the City Manager to Enter into an Agreement with Carducci Landscape Architects to Provide the Design and Project Management Services for the Renovation of Krusi Park in the Amount Not to Exceed \$301,250. Accepted.

(*11-324) Resolution No. 14574, "Authorizing Acceptance of \$25,000 in California Department of Alcoholic Beverage Control Grant Funding to Enhance Existing Alcohol-Related Enforcement." Adopted.

(11-325) Resolution No. 14575, "Approving Revised Memorandum of Understanding (MOU) Between the International Association of Firefighters, Local 689 and the City of Alameda for the Period Commencing January 3, 2010, and Ending June 29, 2013." Adopted.

The Human Resources Director gave a brief presentation.

Mayor Gilmore inquired whether putting off the MOU would have consequences.

Joe Wiley, Chief Negotiator, responded the City would most likely find itself a respondent in an unfair labor practice charge filed by the International Association of Firefighters (IAFF).

Mayor Gilmore stated the public feels that they have not had an opportunity to comment throughout negotiations.

Mr. Wiley stated the comment period would need to come at the beginning of the bargaining process, not the end; the law does not require the City or a labor organization to provide a comment period.

Mayor Gilmore noted Mr. Wiley is the City's labor negotiator and outside legal counsel for the City.

Councilmember deHaan requested further explanation of the 48/96 proposal.

Mr. Wiley stated the work schedule would change from one day on and one day off to two days on and four days off; the schedule would be a trial for both parties; either side could stop the proposed work schedule if the schedule does not work; an evaluation would be done at the end of the year.

Councilmember Tam inquired whether the 48/96 schedule and other items in the MOU are part of the list presented in November 2009.

Mr. Wiley responded that he does not know without reviewing his notes, stated the 48/96 schedule has been discussed for a considerable length of time.

Speakers: Nancy Hird, Alameda Citizen's Task Force (ACT); Noel Folsom, Alameda; Rosemary McNally, Alameda; Gretchen Lipow, ACT; Lester Cabral, Alameda; Adam Gillitt, Alameda; Red Wetherill, Alameda; Corinne Lambden, Alameda; Ashley Jones, Alameda; Kurt Peterson, Alameda; Trish Spencer, Alameda; Jim Sweeney, Alameda; Kevin Kennedy, City Treasurer; Jon Spangler, Alameda; and Kevin Kearney, City Auditor.

Councilmember deHaan stated the Council put together a Fiscal Sustainability Committee; an eye opening report was provided in 2009; \$4.8 million needed to be saved in last year's budget; one fire station was closed; closing City Hall West was initiated; departments were consolidated; positions were reduced; programs were eliminated; there were no pay increases; the City is still facing a shortfall; the can is being kicked down the road; Council has solved problems by using one time funding; that he still has questions regarding discretionary funds; 30% of the budget will take a hit if nothing is done to change the 70% for public safety; manpower will need to be reduced if concessions are not made; library hours have been cut and more hours may have to be reduced; Council cannot continue to window dress the budget; that he supports delaying the MOU and will not support adoption of the resolution.

Mayor Gilmore stated the life of the MOU would cost \$9,300; contract negotiations began in 2009; a five to ten percent pay cut has never been on the table; items cannot be introduced in negotiations after a certain point of time; nothing has been accomplished in the last eighteen months; other cities have given bargaining units pay raises, but Alameda has not; previous contract costs would still be in full force if the MOU is not approved; costs would be locked in and the City would not be able to take advantage of any savings; going back to the negotiating table might result in more concessions; something needs to be done to solve structural problems; the City and unions have no interest in seeing the City go bankrupt; getting back to the negotiating table might take years if the City goes to war with employees; lawyers would be the only ones that would benefit; the Council has no power to impose pay cuts; a five to ten percent pay cut would be accomplished by cutting bodies, which would require a meet and confer process.

Vice Mayor Bonta stated the proposed MOU would make inroads and progress in areas that have not been addressed in the past; the MOU has short-term, mid-term, and long-term savings; the spousal retirement health care reform is very significant; \$500,000 per year would be saved; Cadillac plans would not be funded by the City; Firefighters have removed the minimal staffing provision scheduled for the November election; the election would have cost the City \$300,000 and, if passed, would have cost \$4 million per year.

Councilmember Tam stated negotiations have taken a long time; the City needs to have certainty and accuracy in projections and estimates in order to ensure a balanced budget; progress made over the last three months has been significant in giving management some idea of how to look at balancing a budget that seems to have an increasing deficit because of uncertainties with the State and economy; the MOU

represents Council and management respecting the collective bargaining process; that she would support the MOU.

Councilmember Johnson stated the May 30th incident [Crown Beach drowning] should be separate from the MOU issue; an outside investigation will be done, facts will be analyzed, and findings will have consequences; the MOU addresses some of the structural financial issues; a new City Manager is on board; the Police and Fire Departments need to be restructured; that she would like to give the new City Manager the opportunity to take a look at the matter; she does not want to delay the MOU unnecessarily; the public feels uncomfortable with not having an opportunity to review the MOU; perhaps the MOU should be put off until the next Council meeting so the public can review provisions and make comments; flattening management has been discussed for years; flattening management does not mean taking away supervisors; reorganization can be done without taking Police Officers and Firefighters off the streets or taking away supervision; overtime would go up with minimum staffing; delaying the MOU by two weeks would not hurt the process.

In response to Mayor Gilmore's inquiry, the City Manager stated that he is puzzled by the idea of doing the budget first and determining costs later; costs would be locked in by approving the MOU; California law is extremely rigid in terms of labor negotiations regarding what can be public and what can be private; the public needs to be able to weigh in at the beginning of negotiations; weighing in cannot be done now; that he advises approving the MOU; the 48 hour work schedule would not be locked in; the City or Union may walk away at any time; the City can pull out if the 48 hour work schedule results in a lot of overtime; in September, the City will conduct a seminar with a panel of labor law and labor negotiation experts; public commentary will be held for upcoming negotiations; very few Bay Area cities can show a six year time period where public safety personnel has not received pay increases, not even cost of living increases; an arbitrator would look at contracts going back to January 2010 if negotiations break down and the matter goes to arbitration; basing the landscape on January, 2010 would have very different concessions than today; the outcome may be less advantageous and would be retroactive.

Mayor Gilmore stated Council wants to work with employees in partnership; the budget has a significant hole not only this year but in coming years; the best way to tackle the situation is through cooperation with employees; everyone has the same goal of keeping Alameda on strong, stable, and sustainable footing.

Councilmember Johnson stated public safety has gone without wage increases for six years; inquired whether the same level of service could be maintained over the next two years if the MOU is approved.

The City Manager responded that he could only speak to next year's budget, which does not include a reduction in service because the MOU helps offset some of the increases in health care costs; that he cannot guarantee future service levels because no one knows how long revenues will stay flat.

Councilmember Johnson inquired whether there are other ways to make up shortfalls without cutting public service levels.

The City Manager responded that he does not know; stated that he does not think that cuts will happen next year; the City will have trouble two years out if trends do not change.

Councilmember deHaan stated that he has reviewed public safety data for the past twenty years; public safety received 24 pay increases; other bargaining units received 16 pay increases; public safety had an eight-year contract which is unheard of and averaged a 2.5% increase every six months; when compounding increases over the last twenty years, public safety has had an 118% increase in wages while other bargaining units had a 76% increase, which is a 42% difference; Firefighters post employment benefits increased 300% from 1999 to 2007; the Kaiser health plan rate for an employee plus one dependent increased 70%; that he does not foresee that the City will be hiring any new public safety employees in the next two years.

The City Manager stated every Bay Area city has had a similar pattern over the twenty year period; the last six years has been flat; the next MOU would begin June 2013 if the MOU is approved; the hole in the budget has been twenty years in the making; setting the ship aright will take at least five years.

Councilmember deHaan stated that he does not believe the City has five years to correct the course; Council could be sitting here two years from now asking what happened; the issue needs to be addressed immediately.

Mayor Gilmore stated steps have been taken; things cannot change overnight; the City Auditor and City Treasurer have stated that the City would be out of money in two years if steps were not taken; every journey starts with a single step.

Councilmember Johnson stated AC Transit had a provision in its contract that allowed imposing a Contract, but an arbitrator required AC Transit to get to the bargaining table and negotiate causing; AC Transit to re do its budget; the City voted to change its ordinance setting medical benefits for public safety retirees; an arbitrator required going to the bargaining table to do that; the Council does not have the authority to unilaterally change things; Vallejo went to arbitration a number of times.

Councilmember deHaan stated outside employment has been stricken from the MOU but is on the application; the following has been stricken from the MOU: "No employee shall engage in outside employment during his/her regular working hours. No uniform emblem, badge or other employee identification shall be worn by any person while in the employment of someone other than the City. All requests by the employee for permission to engage in outside employment shall be made on a form provided by the City. No employee shall accept or continue employment other than occasional work from other than the City of Alameda without the approval of the City Manager, which

may be withheld if such employment constitutes a conflict of interest for the employee or the City or which would interfere with the employee's ability to perform his or her City job"; said language should remain in the MOU.

Mayor Gilmore stated the policy and procedure have not changed.

The Human Resources Director stated the policy has not changed; the [application] form includes all the specifics.

Mayor Gilmore inquired whether anything has changed, to which the Human Resources Director responded in the negative.

Councilmember deHaan inquired whether said language is noted on the application, not the MOU, to which the Human Resources Director responded in the affirmative.

Councilmember Tam stated the MOU would take steps toward fiscal sustainability and would bring significant structural changes to the retiree health care program within the confines of labor law; moved adoption of the resolution.

Vice Mayor Bonta seconded the motion.

Under discussion, Vice Mayor Bonta stated the issue is emotional; everyone wants to work toward collective solutions; tonight's budget discussion will not be the last; Council's job is to ensure the financial health of the City.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Bonta, Johnson, Tam and Mayor Gilmore – 4. Noes: Councilmember deHaan – 1.

Councilmember Johnson stated that she has confidence that the City Manager will guide the City through the process to balance the budget.

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Mayor Gilmore called a recess at 9:07 p.m. and reconvened the meeting at 10:42 p.m.

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(*11-326) Resolution No. 14576, "Approving Amendment to Memorandum of Understanding Between the Alameda City Employees Association and the City of Alameda for the Period Commencing July 1, 2009, and Ending June 30, 2011." Adopted.

REGULAR AGENDA ITEMS

(11-327) Public Hearing to Consider Resolution No. 14578, "Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of Assessments, Island City Landscaping and Lighting District 84-2, All Zones." Adopted.

The Public Works Coordinator gave a brief presentation.

Councilmember deHaan moved adoption of the resolution.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

(11-328) Public Hearing to Consider Resolution No. 14579, “Approving the Engineer’s Report, Confirming Diagram and Assessment, and Ordering Levy of Assessments, Maintenance Assessment District 01-01 (Marina Cove).” Adopted.

The Public Works Coordinator gave a brief presentation.

Councilmember deHaan moved adoption of the resolution.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

(11-329) Public Hearing to Consider Approval of Tentative Parcel Map 10006 to Create Four Parcels at 2601 to 2901 Harbor Bay Parkway.

Continued to July 5, 2011.

CITY MANAGER COMMUNICATIONS

(11-330) Presentation of Public Outreach Plan for the Lawrence Berkeley National Laboratory Second Campus at Alameda Point

The Deputy City Manager provided a handout and gave a brief presentation.

Mayor Gilmore suggested putting signs at the libraries and the Community Development Department.

Councilmember deHaan suggested using the two telephone poles across Ralph Appezzato Way to hang a banner.

Councilmember Tam inquired what the turn out has been at the thirteen community meetings, to which the Deputy City Manager responded the number varies depending upon the type of event.

Councilmember Tam suggested contacting educational groups, such as the Alameda Education Foundation, which was very active in the Measure A campaign.

The Deputy City Manager stated that she would contact the Foundation.

Vice Mayor Bonta stated now is the time for the community to show support and express excitement.

The City Manager thanked the Deputy City Manager for working so diligently on the project; stated Alameda can deliver and demonstrate a unified public.

(11-331) Animal Shelter Update

Addressed under the Resolution on the Special City Council meeting [paragraph no. 11-337].

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(11-332) Provide Direction on a Committee Formed to Focus on Alameda's Participation in the America's Cup in 2013.

Vice Mayor Bonta gave a brief presentation.

In response to Mayor Gilmore's request, Vice Mayor Bonta stated the committee would include experts in the boating industry, marinas, and hospitality and event planning.

Speaker: Jim Oddie, Alameda.

Councilmember Johnson stated that she agrees that there should be a committee; in the past, Councilmembers have nominated members to a committee; the same process should be followed.

Councilmember Tam stated Howard Ashcraft organized a committee and provided updates to Council when the community wanted to submit an application for Google; Council did not appoint committee members.

Councilmember Johnson stated said committee was not a City committee; each Councilmember should have a representative if the committee is an Ad Hoc Committee.

Councilmember Tam stated the scope should be clear if a City Ad Hoc Committee is formed versus just assigning people.

Councilmember deHaan stated last year, the former Economic Development Director was directed to take the lead; other individuals got involved; that he is concerned with Council getting involved with who should be on the committee; staff should come back to Council with names.

Mayor Gilmore stated Alameda is a little bit behind in terms of timing; that she does not see the need to appoint people to the committee; people have self-selected in terms of

enthusiasm, interest, and knowledge; the group would not be closed; anyone could join; suggested that staff provide Council with a list of people; Council could appoint one person to report back at regular intervals.

The Assistant City Manager suggested coming back every four to six weeks via City Manager Communications.

The City Manager stated that he had a conversation with San Francisco Mayor Ed Lee regarding the American's Cup and Alameda's desire to participate; Mayor Lee has three different committees covering different aspects; the conversation in terms of Alameda's participation was very warmly received; different teams will need to be staged at different locations; Mayor Lee felt that Alameda was a natural player.

Councilmember Johnson suggested having a link to the Alameda Waterfront website.

The Assistant City Manager stated the City's home page has an announcement regarding the America's Cup with a link.

Councilmember Johnson stated the City's website should provide information on how to join the committee and when meetings would be held.

Vice Mayor Bonta stated meetings would be publically noticed; that he would circulate a full roster of members and affiliations; he would be happy to be the Council representative and serve as the Co-chair along with Chris Siewald.

Councilmember Johnson inquired whether anybody could volunteer to be on the committee.

Vice Mayor Bonta responded allowing anybody to volunteer might be too broad; having targeted segments of the community represented would be good; meetings would be open.

Councilmember Tam inquired whether staff would do the noticing, to which Vice Mayor Bonta responded that he would like staff to do the noticing.

Councilmember Johnson moved approval of formalizing the subcommittee.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 5.

COUNCIL COMMUNICATIONS

(11-333) Consideration of Mayor's Nominations for Appointments to the Civil Service Board, Commission on Disability Issues, Housing Commission, Library Board, Planning Board, Public Utilities Board (PUB), Recreation and Park Commission, Social Service Human Relations Board (SSHRB), and Youth Advisory Commission; and Consideration of Mayor's Appointment to the Rent Review Advisory Committee.

Mayor Gilmore nominated Peter Horikoshi and Linda McHugh to the Civil Service Board; Susan T. Deutsch, Steve R. Fort, Kelly Harp, Leslie A. Krongold, and Audrey Lord-Hausman to the Commission on Disability Issues; Cullen L. Jones to the Housing Commission; Michael E. Hartigan and Gail Wetzork to the Library Board; Authur Autorino and Marilyn Ezzy Ashcraft to the Planning Board; Gregory L. Hamm to the PUB; Lola Brown and Gina Mariani to the Recreation and Park Commission; Cathy Nielsen and Henry Villareal to the SSHRB; and Jeanette Mei to the Youth Advisory Commission.

(11-334) Written Communication from the League of California Cities Requesting Designation of a Voting Delegate for the 2011 Annual Conference.

Councilmember Johnson moved approval of designating Councilmember Tam as the voting delegate; and Vice Mayor Bonta and Councilmember deHaan as the alternates.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 11:20 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

This meeting was posted in accordance with the Brown Act.